

Pro-Active Rental Inspections

What does Lincoln do now?

- The City of Lincoln currently requires that apartments with three or more units register
- The City of Lincoln only inspects the exterior and common areas of registered apartments
- Interior inspections of occupied apartment units are only conducted after numerous complaints from multiple units
- The City of Lincoln only pro-actively inspects vacant units if they have not been inspected for five years and they are available for rent



Why does Lincoln need Pro-active Inspection?

- Registration helps the city know the number of rental apartments, but not the condition
- Pro-active rental inspections empowers the city to make sure that the building code is being followed
- Pro-active rental inspection leads to the discovery of dangerous violations that complaint based enforcements miss
- Pro-active rental inspection protects tenants from retaliation and the fear of retaliation
- Pro-active rental inspection helps protect the quality of rental housing and saves the city from having to condemn unsafe properties that could be brought up to code with pro-active intervention

What does Pro-active Inspection look like?

- A pro-active rental inspection plan would allow the city to schedule inspections of rental housing and to inspect units, not just common areas
- Inspectors give notice and get permission from the tenants or must show cause to inspect
- The interior of rental units are inspected for code violations and hazards to health and safety
- Tenants are still free to make complaints about housing conditions, but a proactive rental inspection program does not rely on tenant reports, health and safety hazards can be assessed by trained inspectors



What are the costs?

- The City of Lincoln would need to assess the cost, but pro-active rental inspection programs have been successful for discovering and fixing code violations in cities of similar size
- Cities have been able to do pro-active rental inspections without raising taxes
- The City can protect landlords and tenants by allowing landlords to diffuse some of the inspection fees but requiring that fees not be passed down in a lump sum



Legal Considerations

- Lincoln would need to change the Municipal Code to allow pro-active rental inspections since it currently limits inspectors
- Inspections would require either consent from the tenant or an administrative warrant to protect tenants' privacy, but Lincoln Municipal Code already has notice provisions
- There would need to be a clear reasoned system of scheduled inspections put in place to protect landowners

